



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

No. 04-10644-MEL

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**LINDA MELLEN,**  
**Plaintiff,**

v.

**TRUSTEES OF BOSTON  
UNIVERSITY and FRANCES  
A. DROLETTE,**  
**Defendants.**

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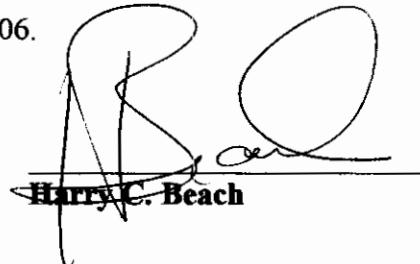
**AFFIDAVIT OF HARRY C. BEACH IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANTS' MOTION TO QUASH SUBPOENA UPON  
NON-PARTY**

- (1) I serve as counsel of record for Linda Mellen in this action.
- (2) I first learned in or about late May 2006 that the *Pivacek/Leavy* litigation against Boston University involved allegations of University misconduct regarding employee leave, including FMLA leave.
- (3) In early June 2006, I began my efforts to contact and communicate with the Law Office of Wendy A. Kaplan regarding its production to me of documents relating to the *Pivacek/Leavy* matter, including by email and telephone.
- (4) I also obtained certain *Pivacek/Leavy* documents that were publicly available at the Suffolk County (Mass.) Superior Court.
- (5) Attorney Kaplan's office was generally unresponsive to my request for documents.
- (6) In or about the second half of July 2006, Attorney Kaplan's office requested that I serve it with a subpoena regarding the documents I wanted.
- (7) I was on a family vacation August 10-20, 2006
- (8) On or about August 23, 2006, I caused a subpoena to be served upon Attorney Kaplan's office by certified mail.

(9) On or about August 28, 2006, I learned that service of my client's subpoena for documents had been effected upon Attorney Kaplan's office.

(10) On the same day that I learned that the subpoena had been served, I notified University counsel for the defendants of that fact, in writing.

So stated upon my personal knowledge and information, under the pains and penalties of perjury, this 19<sup>th</sup> day of September 2006.



Handwritten signature of Harry C. Beach, consisting of stylized initials 'HCB' and a surname. The signature is written in black ink on a white background.

~~Harry C. Beach~~